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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/211,942	12/15/1998	JIM A. LARSON	884.078US1	9145

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05/14/2002

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EXAMINER
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MENGISTU, AMARE

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 05/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

16

# Office Action Summary

Application No.  
09/211,942

Applicant(s)  
Jim A. Larson et al

Examiner  
AMARE MENGISTU

Art Unit  
2673



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Mar 7, 2002

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 4-17 is/are pending in the applica

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from considera

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 4-16 is/are rejected.

7) ☒ Claim(s) 17 is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirem

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-6,8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ohashi* in view of *Applicant's Admitted Prior Art (AAPA)*.

As to claims 4-15, *Ohashi* discloses an input stylus composing: a computer processor (30 (CPU)); a housing (fig.2) having a first end and a second end; a microphone (fig.2 (71)) located at the second end for receiving acoustical signals; a transmitter (fig.2(16,18)) located in the housing for transmitting electronic voice signals received by the microphone to an external device (see, Abstract, col.2, lines 39-53); switches (figs.2 and 7 (14,17)) for activating and deactivating the microphone and the transmitter; the transmitter transmits the voice signal via wireless (fig.6a (18)). These switches are equivalent to applicant's single switch. *Ohashi* discloses a computer processor transmitter for transmitting translated voice data (see, col.2, lines 39 - col.3, lines 21). It is obvious to one skill in the art to have recognize that the *Ohashi* 's CPU (30) has to have a voice translation software to

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translate voice signals into machine readable data in order for the computer to display the voice data transmitted from the stylus . and a switch circuit (fig.2(17)) for activating the transmitter.

*Ohashi* teaches a display screen for producing input signals in response to a physical contact by stylus (see, Abstract, col.2, lines 39-53). *Ohashi* did not explicitly disclose that the device is a mobile personal digital assistance having a touch screen display. However, *Applicant's Admitted Prior Art (AAPA)* clearly states that it is well known in the art to use for a mobile personal computer such as lap-tap computer and personal digital assistant to have a touch screen display (pages 1, line 10 - page 2, lines 2).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to use the stylus of *Ohashi* into the mobile personal digital assistance of *Applicant's Admitted Prior Art (AAPA)* because this will provide easy to carry with a greater mobility.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Ohashi* in view of *Applicant's Admitted Prior Art (AAPA)* . as applied to claim 1,3-6,8-15 above, and further in view of *Epperson* (5,247,137).

As to claim 7, *Ohashi* ( as modified by *Applicant's Admitted Prior Art (AAPA)* ) clearly teaches a stylus, but failed to teach the stylus having a power supply. The patent of Epperson suggest that it conventional for a stylus to have a power supply (fig.1(5,6)).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have incorporated the power supply of Epperson into the stylus of *Ohashi*, since this will

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allow the stylus of *Ohashi* with a power source to ensure simplicity and higher efficiency of operation.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Ballantyne et al* (5,867,821) in view of *Ditzik* (5,983,073).

As to claims 16; *Ballantyne et al* (hereinafter *Ballantyne* ) discloses a wireless communication between PC to PDA comprising: a wireless transmitting by a stylus to the PC from a PDA (fig.1 (PDA "10" to PCS; fig. 6 (stylus "104"; PDA "100" to PC)); wireless transmitting from the PC to PDA (see, fig.1 "PCS to PDA). *Ballantyne* also teaches that it is well known for PCS to have a voice recognition software (col.11, lines 45-55). *Ballantyne* did not disclose the voice communication between the PDA to PC and translating the voice to text and displaying the text on the PDA. The Patent of *Ditzik* is cited to teach that it is well known for PCS and PDA to have a bi-directional communication of voice, audio, text, graphics, image and/or video data (col.2, lines 51-65).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to incorporate the audio and text communication system of *Ditzik's* into the device of *Ballantyne*, because this will provide the system of *Ballantyne* to have more capabilities to communicate with varies communication devices.

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***Allowable Subject Matter***

5. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments with respect to claims 4-15 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication should be directed to Amare Mengistu at telephone number (703) 305-4880.

***Any response to this action should be mailed to:***

*Commissioner of Patents and Trademarks*

*Washington, D.C. 20231*

***or faxed to:***

*(703) 872-9314 , (for formal communications intended for entry)*

*(for informal or draft communications, please label "PROPOSED" or "DRAFT")*

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*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington.*

*VA., Sixth Floor (Receptionist).*

*A. Mengistu*

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*May 1, 2002*

  
Amare Mengistu  
Primary Examiner